**1320-S2.E AMS LAW S2871.1 - NOT FOR FLOOR USE**

**E2SHB 1320** - S COMM AMD

By Committee on Law & Justice

Strike everything after the enacting clause and insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 72.09 RCW to read as follows:

(1) The department, in conjunction with the department of licensing, must provide offenders with a state-issued identicard pursuant to RCW 46.20.117.

(2) An offender is eligible for an original, renewal, or replacement identicard under this section if he or she:

(a) Has been sentenced to a term of confinement totaling more than one year and committed to department custody;

(b) Is confined within a state correctional facility and has at least sixty days remaining on his or her confinement term as of the effective date of this section;

(c) Has not waived his or her right under this section to an identicard;

(d) Does not have a current and valid state-issued identification card; and

(e) Is a United States citizen or is lawfully present within the United States. The department of licensing must verify the status of an applicant through either the systematic alien verification for entitlements program or through verification of the applicant's social security number with the United States social security administration. A person may prove his or her citizenship by providing a valid, unexpired United States passport or passport card, a certified copy of a birth certificate, a consular report of birth abroad issued by the United States department of state, a certificate of naturalization issued by the department of homeland security, or a certificate of citizenship. A person may prove his or her lawful presence within the United States by providing documentation that he or she is an alien:

(i) Lawfully admitted for permanent or temporary residence in the United States;

(ii) With conditional permanent resident status in the United States;

(iii) Who has an approved application for asylum in the United States or has entered into the United States in refugee status;

(iv) Who has a valid nonimmigrant status in the United States;

(v) Who has a pending application for asylum in the United States;

(vi) Who has a pending or approved application for temporary protected status in the United States;

(vii) Who has a pending application for lawful permanent residence or conditional permanent resident status; or

(viii) Who has approved deferred action status from a deferred action program established before November 20, 2014. A person with approved deferred action status from a program established before November 1, 2014, that is based on any expansion of eligibility criteria to the deferred action program that occurred after November 20, 2014, is not an acceptable form of lawful presence under this subsection (2).

(3) An offender's valid identification card issued by the department may serve as sufficient proof of identity and residency under RCW 46.20.035 to obtain a state-issued identicard pursuant to RCW 46.20.117.

(4) An offender receiving a state-issued identicard pursuant to this section must pay a fee as established in RCW 46.20.117 to the department to offset the cost of obtaining the identicard. Provided such action does not reduce an offender's account below the indigency level, such costs may be paid or deducted from the offender's gross wages, gratuities, or the offender's personal inmate savings account. If an offender's inmate account is below the indigency level, or would become below the indigency level as a result of paying such fee, the department may pay or subsidize the cost associated with issuing the identicard to the offender.

**Sec.**  RCW 46.20.117 and 2012 c 80 s 6 are each amended to read as follows:

(1) **Issuance**. The department shall issue an identicard, containing a picture, if the applicant:

(a)(i) Does not hold a valid Washington driver's license;

((~~(b)~~)) (ii) Proves his or her identity as required by RCW 46.20.035; and

((~~(c)~~)) (iii) Pays the required fee. Except as provided in (b) of this subsection and subsection (5) of this section, the fee is forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard; or

(b) Qualifies for an identicard under section 1 of this act.

(i) An identicard issued under this subsection (1)(b) expires one year from the first anniversary of the offender's birth date after issuance.

(ii) The department may charge the department of corrections a fee of the amount appropriate to cover the cost of production of an identicard issued under this subsection (1)(b).

(2) **Design and term**. The identicard must:

(a) Be distinctly designed so that it will not be confused with the official driver's license; and

(b) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(3) **Renewal**. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation**. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

**Sec.**  RCW 46.20.117 and 2014 c 185 s 2 are each amended to read as follows:

(1) **Issuance**. The department shall issue an identicard, containing a picture, if the applicant:

(a)(i) Does not hold a valid Washington driver's license;

((~~(b)~~)) (ii) Proves his or her identity as required by RCW 46.20.035; and

((~~(c)~~)) (iii) Pays the required fee. Except as provided in (b) of this subsection and subsection (5) of this section, the fee is forty-five dollars from October 1, 2012, to June 30, 2013, and fifty-four dollars after June 30, 2013, unless an applicant is a recipient of continuing public assistance grants under Title 74 RCW, who is referred in writing by the secretary of social and health services. For those persons the fee must be the actual cost of production of the identicard; or

(b) Qualifies for an identicard under section 1 of this act.

(i) An identicard issued under this subsection (1)(b) expires one year from the first anniversary of the offender's birth date after issuance.

(ii) The department may charge the department of corrections a fee of the amount appropriate to cover the cost of production of an identicard issued under this subsection (1)(b).

(2)(a) **Design and term**. The identicard must:

(i) Be distinctly designed so that it will not be confused with the official driver's license; and

(ii) Except as provided in subsection (1)(b) or (5) of this section, expire on the sixth anniversary of the applicant's birthdate after issuance.

(b) The identicard may include the person's status as a veteran, consistent with RCW 46.20.161(2).

(3) **Renewal**. An application for identicard renewal may be submitted by means of:

(a) Personal appearance before the department; or

(b) Mail or electronic commerce, if permitted by rule of the department and if the applicant did not renew his or her identicard by mail or by electronic commerce when it last expired.

An identicard may not be renewed by mail or by electronic commerce unless the renewal issued by the department includes a photograph of the identicard holder.

(4) **Cancellation**. The department may cancel an identicard if the holder of the identicard used the card or allowed others to use the card in violation of RCW 46.20.0921.

(5) **Alternative issuance/renewal/extension**. The department may issue or renew an identicard for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or may extend by mail or electronic commerce an identicard that has already been issued, in order to evenly distribute, as nearly as possible, the yearly renewal rate of identicard holders. The fee for an identicard issued or renewed for a period other than five years from October 1, 2012, to June 30, 2013, or six years after June 30, 2013, or that has been extended by mail or electronic commerce, is nine dollars for each year that the identicard is issued, renewed, or extended. The department may adopt any rules as are necessary to carry out this subsection.

NEW SECTION. **Sec.**  Section 2 of this act expires August 30, 2017.

NEW SECTION. **Sec.**  Section 3 of this act takes effect August 30, 2017.

NEW SECTION. **Sec.**  Except for section 3 of this act, this act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2015."

**E2SHB 1320** - S COMM AMD

By Committee on Law & Justice

On page 1, line 2 of the title, after "offenders;" strike the remainder of the title and insert "amending RCW 46.20.117 and 46.20.117; adding a new section to chapter 72.09 RCW; providing effective dates; providing an expiration date; and declaring an emergency."

EFFECT: Removes intent section. Adds the requirement of U.S. citizenship or lawful presence in order to obtain an identicard.